

Notice of Allowability

Application No.

10/713,784

Examiner

NGOC V. DINH

Applicant(s)

FREEMAN ET AL.

Art Unit

2189

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 01/09/07.
2. ☒ The allowed claim(s) is/are 3-15,25-26 (renumbered as 1-13,15, 14).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

1. This Office Action is responsive to amendment filed 01/09/07. In this instant application claims 1-2, 16-24 are canceled. Claims 3, 5-6, 9, 11-15, 25-26 are amended.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Phillip Pedigo (Reg. 52,107) on 02/12/2007.

In the claims:

Claim 9, line 4, replace "the capability" with -- a capability --.

Claim 10:

line 1, insert -- wherein -- before "the memory device".

line 5, replace "the specified" with -- a specified --.

Claim 11, line 3, replace "an implicit" with -- the implicit --.

Claim 12:

line 1, insert -- wherein -- before "the memory device".

line 3, replace "the data" with -- a data --.

line 3, replace "an implicit" with -- the implicit --.

line 4, replace "an implicit" with -- the implicit --.

Claim 13, line 4, replace "an implicit" with -- the implicit --.

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Claim 14:

line 2, replace "the status" with -- a status --.

line 3, replace "an implicit" with -- the implicit --.

line 3, replace "the value" with -- a value --.

Claim 15:

line 1, insert -- wherein -- before "the memory device".

line 5, replace "the specified" with -- a specified --.

Claim 26:

line 10-11, replace "the capability" with -- a capability --.

line 14, replace "the specified" with -- a specified --.

Reasons for allowance

3. The primary reasons for allowance of claim 3 in the instant application is the combination with the inclusion of at least the limitations set forth in lines 10-14 of claim.

The primary reasons for allowance of claim 26 in the instant application is the combination with the inclusion of at least the limitations set forth in lines 11-15 of claim 26.

Because claims 4-15 and 25 depend directly or indirectly on claims 3 and 26. These claims are considered allowable for at least the same reasons noted above.

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Conclusion

4. Any response to this action should be mailed to:

Under Secretary of Commerce for intellectual Property and Director of the United States
Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

or faxed to:

(571) 273-8300, (for Official communications intended for entry)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published Applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pak-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Dinh whose telephone number is (571) 272-4191. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon, can be reached on (571) 272-4204.

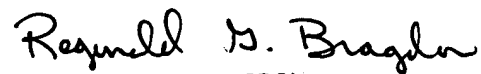


NGOC DINH

Patent Examiner

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February 12, 2007



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